

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	INTERSTATE AGREEMENT ON
)	DETAINERS ORDER
vs.)	
)	
Cornelius Jimal Allen,)	Case No. 4:07-cr-024
)	
Defendant.)	

On November 13, 2007, the Defendant made his initial appearance in the above-entitled action and was arraigned. Attorney Paul Emerson appeared on behalf of the Government. Assistant Federal Public Defender William Schmidt was appointed as defense counsel and appeared on the Defendant's behalf.

Prior to making his initial appearance, the Defendant was incarcerated by the State of North Dakota at the North Dakota State Penitentiary (NDSP) in Bismarck, North Dakota. After the indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act ("IADA"), the Defendant's appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the hearing, the Defendant was advised of his right under the IADA to continued federal custody until the charges set forth in the indictment are adjudicated. Thereafter, the Defendant knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and stipulated to his continued housing by the State of North Dakota (the "sending state" under the IADA) at the North Dakota State Penitentiary pending trial of the charges on the

Indictment by the United States (the “receiving state” under the IADA). The United States concurred in this stipulation. The Defendant also knowingly, voluntarily, and upon advice of counsel waived any speedy trial limitations that might apply to this case including those under the IADA.

Based on the foregoing stipulation of the Defendant and the United States and the Defendant’s waiver of the anti-shuttling provisions of the IADA, **IT IS HEREBY ORDERED** that the Defendant be housed in the “sending state” under the IADA, at the NDSP in Bismarck, North Dakota, pending trial of this matter or until further order of the court. Further, pursuant to the Defendant’s waiver and stipulation, the return of Defendant to his place of incarceration pending trial shall not be grounds under the IADA for dismissal of the charges set forth in the indictment.

Dated this 13th day of November, 2007.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge